
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

KENT TERRY PRISBREY,

Plaintiff,

v.

STATE AUTO INSURANCE COMPANIES;
MILBANK INSURANCE COMPANY; and
DOES A-Z,

Defendants.

**MEMORANDUM DECISION AND
ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 4:21-cv-00124-HCN-DBP

Howard C. Nielson, Jr.
United States District Judge

The Memorandum Decision and Order and Report and Recommendation (“Report and Recommendation”)¹ issued by United States Magistrate Judge Dustin B. Pead on September 26, 2022, recommends that Plaintiff’s Motion for Default² be denied, and that Plaintiff’s Motion for Summary Judgment³ be denied. The Report and Recommendation also recommends that Plaintiff may refile a new motion for mediation once the inspection of his home has been completed and adequate answers have been provided to Defendants’ discovery requests.⁴

The parties were notified of their right to file objections to the Report and Recommendation within 14 days of its service pursuant to [28 U.S.C. § 636](#) and [Fed. R. Civ. P. 72](#).⁵ No party filed a written objection to the Report and Recommendation as provided by

¹ [Docket no. 44](#), filed Sept. 26, 2022.

² [Docket no. 24](#), filed May 20, 2022.

³ [Docket no. 38](#), filed Aug. 25, 2022.

⁴ Report and Recommendation at 5.

⁵ *Id.* at 6.

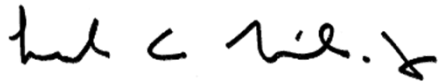
court rules. Any objection to the Report and Recommendation is thus waived.⁶ A review of the Report and Recommendation, as well as the record also demonstrates that Judge Pead's analysis and the disposition he recommends does not constitute plain error.⁷ Therefore, the analysis and conclusions of the Judge Pead are accepted and the Report and Recommendation⁸ is adopted in its entirety.

ORDER

IT IS HEREBY ORDERED that the Report and Recommendation⁹ is ADOPTED. Plaintiff's Motion for Default¹⁰ is DENIED and Plaintiff's Motion for Summary Judgment¹¹ is DENIED. Plaintiff may refile a new motion for mediation once the inspection of his home has been completed and adequate answers have been provided to Defendants' discovery requests.

Signed October 25, 2022.

BY THE COURT



Howard C. Nielson, Jr.
United States District Judge

⁶ *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

⁷ *Morales-Fernandez v. I.N.S.*, 418 F.3d 1116, 1122 (10th Cir. 2005).

⁸ [Docket no. 44](#), filed Sept. 26, 2022.

⁹ [Docket no. 44](#), filed Sept. 26, 2022.

¹⁰ [Docket no. 24](#), filed May 20, 2022.

¹¹ [Docket no. 38](#), filed Aug. 25, 2022.